

**REMARKS**

**I. CLAIM AMENDMENTS**

Claims 1 to 37 were pending in the application. Claims 18, 20, 27, 33 and 35 have been amended merely to correct typographical errors. Support for the claim amendment of claim 18 is found in the originally-filed specification on p. 105, ll. 23 – p. 106, ll. 11. The amendments have not been made over prior art. No new matter has been added. Upon entry of the above-made amendments, claims 1 to 37 will be pending.

**II. RESTRICTION REQUIREMENT**

Applicants hereby elect invention IV, claims 4, 16-20, 27, and 29-36, drawn to a method comprising repeating detection using one or more light filters, classified in class 435, subclass 286.1, with traverse. The Restriction Requirement lists the following distinct inventions:

- I. Claims 1, 7-9, and 27-37, drawn to a method for providing an extended linear dynamic range, classified in class 435, subclass 4.
- II. Claims 2, 10-15, 27, and 29-36, drawn to a method comprising a single exposure time, classified in class 435, subclass 283.1.
- III. Claims 3, 16-20, 26, 27, and 29-36, drawn to a method comprising detecting integrated light with a sensor, classified in class 435, subclass 288.7.
- IV. Claims 4, 16-20, 27, and 29-36, drawn to a method comprising repeating detection using one or more light filters, classified in class 435, subclass 286.1.
- V. Claims 5, 27, and 29-36, drawn to a method comprising counting the number of particles at one or more sites, classified in class 435, subclass 7.3.
- VI. Claims 6, 22-25, 27, and 29-36, drawn to a method for providing an extended dynamic range in an analyte assay, classified in class 435, subclass 7.1.

Although inventions I-VI are patentably distinct, they are directed to similar, overlapping subject matter and are all classified in class 435. According to M.P.E.P. Section 803 (Eighth Edition, Revision 2, May 2004):

***“If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.”***

Because the subject matter of inventions I-VI is clearly related as evidenced by the same class of search, searching all of these groups together would not place a serious burden on the examiner within the meaning of M.P.E.P. Section 803. In addition, a general search of the subject matter encompassed by the claims of groups I-VI would necessarily produce results within multiple inventions I-VI.

In view of the comments presented above, Applicants respectfully request reconsideration of the restriction requirement, and that inventions I-VI, be examined together.

Applicants retain the right to petition from the restriction requirement under 37 C.F.R. §1.144.

Applicants respectfully request that the amendments and remarks made herein be entered and made of record in the file history of the instant application.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 50-3013.

Respectfully submitted,

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Laura A. Coruzzi 30,742  
Laura A. Coruzzi (Reg. No.)

By: T. Christopher Tsang 40,258  
T. Christopher Tsang (Reg. No.)

**JONES DAY**  
222 East 41<sup>st</sup> Street  
New York, New York 10017-6702  
(212) 326-3939